

BGW#: 93070

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
*Baltimore Division*

IN RE:

Case No. 09-20553-DWK

CRAIG W. BOYKO, SR.  
Debtor

Chapter 7

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CITIMORTGAGE, INC.  
Movant

vs.

CRAIG W. BOYKO, SR.  
Debtor/Respondent

and

MARC H. BAER  
Trustee/Respondent

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, CitiMortgage, Inc., ("Movant"), by and through counsel, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. § 362(d)-(f) of the United States Bankruptcy Code.
2. Movant is a mortgage lender/servicer.
3. On or about June 11, 2009, Craig W. Boyko, Sr. ("Debtor") filed a Voluntary Petition in this Court under Chapter 7 of the United States Bankruptcy Code.
4. Marc H. Baer is the Trustee of the Debtor's estate.
5. At the time of the initiation of these proceedings the Debtor owned a parcel of real estate located in Baltimore City, Maryland and improved by a residence known as 138 N. Glover Street, Baltimore, Baltimore, MD 21224 (the "Property").
6. The Property is encumbered by a Deed of Trust securing the Movant, and recorded among the land records of the aforesaid county. A copy of this Deed of Trust is attached.
7. The Deed of Trust secures payment of a Promissory Note now payable to Movant, a copy of which is attached.
8. The amount due under the Deed of Trust securing the Note payable to Movant as of December 28, 2009 is approximately \$177,117.79, plus per diem interest and attorney's fees and court costs related to the present motion for relief from automatic stay.

9. Debtor is contractually due for October 01, 2008 and every payment thereafter. More specifically, the Debtor is due the October 01, 2008 payment through December 01, 2009 payments in the approximate amount of \$1,153.17 each, plus late charges and attorney fees and costs incurred with the filing of the present motion. An arrearage worksheet is attached which lists both the Debtor's pre-petition and post-petition amounts due.

10. The Debtor is in default under the Deed of Trust. The Movant has accelerated the entire balance of the Note and Deed of Trust, interest continues to accrue on a daily basis.

11. The approximate total debt as of December 28, 2009 is as follows:

Unpaid Principal Balance	\$162,276.92
Interest @ 3.125% through last paid installment	\$9,807.46
Late Fees	\$659.04
Escrow Advance Balance	\$3,758.85
Corporate Advance Balance	\$615.52
Less: Suspense Balance	\$0.00
Total:	\$177,117.79

12. That Movant avers that there is no equity in said Property since the total liens against the Property exceed its fair market value. The Debtor(s) have scheduled the Property with a market value of \$160,000.00 in their filed Schedules.

13. The Movant lacks adequate protection of its interest in the Property.

14. The Movant has been and continues to be irreparably injured by the stay of Section 362 (a) and cause exists for termination of the automatic stay so as to enable the Movant to enforce its rights under its Note, Deed of Trust, and state law.

15. Pursuant to the Debtor's filed statement of intent, the Debtors intend to surrender their interest in the Property.

WHEREFORE, the Movant prays that this Court:

1. Enter an order terminating the automatic stay imposed by 11 U.S.C. § 362 of the Bankruptcy Code so as to enable Movant to proceed with a foreclosure action in the Circuit Court for Baltimore City, Maryland against the Property located at 138 N. Glover Street, Baltimore, Baltimore, MD 21224, and to allow the successful purchaser to obtain possession of same; and

2. Grant such other and further relief as may be just and necessary.

Dated: December 04, 2009

Respectfully Submitted,  
Bierman, Geesing & Ward, LLC

/s/ Kevin Feig  
Kevin Feig, MD Fed. Bar No. 15202  
Bierman, Geesing & Ward, LLC  
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*Attorney for the Movant*

**CERTIFICATE OF SERVICE**

I certify that on this 4th day of December, 2009, the following person(s) were served electronically via the CM/ECF system or were mailed a copy of the foregoing Motion for Relief from Automatic Stay, by first class, postage prepaid, to:

Marc H. Baer, Trustee  
455 Main Street  
Reisterstown, MD 21136

Constance M. Hare  
723 South Charles St., Suite LL3  
Baltimore, MD 21230

Craig W. Boyko, Sr.  
138 N. Glover Street  
Baltimore  
Baltimore, MD 21224

Craig W. Boyko, Sr.  
8414 Gullane Court  
Pasadena, MD 21122

/s/ Kevin Feig, Esq.  
Kevin Feig